

### **REMARKS**

Claims 17-33 are pending in the application. Claims 1-16 have been canceled. Claims 17-33 are currently before the Examiner. Claims 17-22, 25, 27, 29 and 31-32 have been amended. New claim 34 has been added.

Applicant acknowledges with appreciation the Examiner's indication that claim 20 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Applicant presumes that the Examiner intended to refer to the rejection under 35 U.S.C. §112, first paragraph, and has provided an explanation of the terms in question herein. Accordingly, Applicant has rewritten claim 20, including the limitations of the base claim and intervening claims as new claim 34.

Applicant has amended claims 17-22, 27, and 31-32 to properly provide that the "slots" are "undercut slots" consistent with the rest of the recitation of the remainder of the claims. No new matter has been added by virtue of this conforming amendment.

Applicant has also amended claims 25 and 29 to correct an inadvertent typographical error. The word "modular" has been amended to recite "module" as clearly intended by the claims. Accordingly, no new matter had been added.

### **Rejections Under 35 U.S.C. §112, first paragraph**

Claims 19, 20, 21, 29, 30, 31-33 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner has alleged that the claims describe subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. The Examiner has required clarification as to how runners can be "hooked" into the slots.

Applicant respectfully submits that as recited on page 3, lines 2-8 of Applicant's specification as originally filed:

"With a view to reliable fixing of the modules to the wall and a simple procedure for this as well as a simple procedure for uncoupling the modules from the wall, it is preferable according to the invention if the slots are widened in places such that, on the one hand, a said undercut runner can be inserted here, essentially

unimpeded, in the horizontal direction so as then to hook into the respective undercut slot after being moved vertically and that, on the other hand, the runner hooking into the slot can be removed from the slot in the horizontal direction after it has been positioned in the widened part of the slot.” (Emphasis added.)

Further, Applicant’s specification recites on page 7, line 30 to page 8, line 5 with specific reference to FIGS. 1 and 2:

“...it is preferable according to the invention to make the slots 2 with widening in places, as has been illustrated in FIG. 2 in the case of the left-hand slot 2 and is indicated by 17 and is also shown by 17 in the two right-hand sections in FIG. 1. By aligning the runners 14 precisely in front of the widened zone 17 of the slot 2, the module can then be placed directly against the wall 1, the entire runner then being in the slot 2. What is achieved by now moving the runners 14 in the vertical direction together with the module is that the widened sections 15 of the runner 14 engage in the undercuts of the slot 2.”

Accordingly, Applicant submits that the runners 14 are introduced into the widened zones 17, shown in FIGS. 1 and 2, and then are subsequently advanced to a narrower area of the slot 2, shown in FIG. 1, wherein the runners are “hooked” into the slot 2. Applicant thus submits that claims 19, 20, 29, 30 and 31-33 are fully enabled by the specification.

The Examiner has also required clarification of the wording in claim 21 “have an essentially T-shaped form with the leg of the T pointing away from the wall.” As recited in Applicant’s originally filed specification on page 6, lines 21-23 with reference to FIG. 2:

“As can be seen in particular in Figure 2, each slot 2 has a T-shaped cross-section viewed in the horizontal plane, the so-called

leg of the T-shape pointing away from the wall 1 so as thus to obtain a slot that is undercut on two sides.”

Accordingly, Applicant submits that as stated above, the slot 2 has a widened zone 17, shown in FIGS. 1 and 2 and a narrower area, shown in FIG. 1. When the slot is viewed in the horizontal plane, the T-shaped cross-section is apparent. Accordingly, Applicant submits that claim 21 is fully enabled by the specification.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 19, 20, 21, 29, 30 and 31-33 under 35 U.S.C. §112, first paragraph.

**Rejections Under 35 U.S.C. §112, second paragraph**

Claim 22 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, claim 22 is rejected for including the phrase “like a mushroom.” Claim 22 has been amended to recite “The modular galley according to claim 17, wherein the runners comprise a widened part for engagement with the undercut of the slot.” In view of the amendment to claim 22, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. §112, second paragraph.

**Rejections Under 35 U.S.C. §103(a)**

Claims 17-19, 21-22, and 24-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,055,317 to Griess (hereinafter “Griess”) in view of U.S. Patent No. 2,854,307 to Londeree et al. (hereinafter “Londeree”).

The Examiner asserts that Griess discloses a galley on an aircraft with service trolleys. The Examiner also acknowledges that Griess is silent on the wall having modules that are slideable on the wall, slots on the wall, runners on the back of the modules, and lifting means. In order to rectify the deficiencies of Griess, the Examiner applies Londeree as disclosing a module, a wall, guides running in the vertical direction, mushroom shaped runners on the rear that can be hooked to the slots and undercut to the slots that are widened. The Examiner further alleges that lifting means are well-known.

Applicant respectfully submits that neither Griess, nor Londeree, nor the combination of Griess and Londeree, discloses or suggests a module for a modular galley provided with runners for hooking into an undercut slot as presently recited in independent claims 17, 30, 31 and 32. The Examiner has taken the position that the supporting bracket 46 and the guide bracket 70 of Londeree are equivalent to the runners of the presently claimed invention. Applicant respectfully traverses this assertion. Applicant submits that the supporting bracket 46 for supporting cabinet C and the guide bracket 70 of Londeree require specifically aligning bolt apertures in the back wall of the cabinet with bolt apertures (80, 55) in the brackets (72, 50). In contrast, Applicant's module includes runners that can be accommodated in the undercut slots by hooking the runners in the slots.

As recited in Applicant's specification on page 2, lines 17-21, by providing runners that can be accommodated in the undercut slots, "As soon as the undercut runners have been hooked into the undercut slots, the galley module is then attached to the wall and, except for the possibility of sliding along the slot, also fixed to the wall. With this arrangement the lifting means enable easy and rapid assembly without special tools..."

Furthermore, the mounting of the modules of Londeree to the wall requires alignment of the bolts and bolt apertures. Thus, all mounting and demounting procedures must occur when the back of the module is exposed, such as when the module is empty and the module doors are open. In contrast, Applicant's module is immediately engaged with the wall once the runners are hooked into the slots. As it is an object of the invention to provide a galley which can be easily re-arranged per flight or run, it is not a mere design substitution to employ runners which can be accommodated in the undercut slots by hooking the runners in the slots rather than the precise alignment of the bolt apertures of Londeree.

Accordingly, Applicant submits that the combination of Griess and Londeree fails to disclose or suggest all of the claim limitations of Applicant's independent claims 17, 30, 31 and 32.

In addition, Applicant submits that one skilled in the art would not readily combine the teachings of Griess and Londeree. Although the structure of Londeree may be well-suited for application in permanent buildings, the structure of Londeree has considerable weight and would therefore not be desirable for use in aircraft or train applications in which

weight-savings are at a premium. Therefore, Applicant further submits that the teachings of Griess and Londeree would not be readily combinable for aircraft or train applications.

It is further respectfully submitted that dependent claims 18-19, 21-22, and 24-29 depend directly or indirectly from independent claim 17 and are believed patentable for the reasons stated herein.

Reconsideration and withdrawal of the rejection of claims 17-19, 21-22, and 24-31 under 35 U.S.C. §103(a) is respectfully requested.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Griess as modified by Londeree as applied to claim 17 above, and further in view of U.S. Patent No. 6,454,208 to Nervig et al. (hereinafter "Nervig"). Specifically, the Examiner asserts that Nervig discloses a spindle with arms that move by internal screw thread.

Dependent claim 23 depends directly from independent claim 17. Applicant submits that Nervig fails to rectify the deficiencies of the combination of Griess and Londeree. Specifically, Applicant submits that Nervig fails to disclose or suggest runners that can be accommodated in the undercut slots by hooking the runners in the slots. Accordingly, Applicant submits that neither Nervig, nor the combination of Griess, Londeree, and Nervig, teaches all of the limitations of claim 23. Reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §103(a) is respectfully requested.

Claims 32 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,063,859 to Rader in view of Londeree.

The Examiner asserts that Rader discloses a train but acknowledges that Rader is silent on the modular galley as claimed in Applicant's claim 32. The Examiner applies Londeree as disclosing a module, a wall, guides running in the vertical direction, mushroom shaped runners on the rear that can be hooked to the slots and undercut to the slots that are widened. The Examiner further alleges that lifting means are well-known.

Applicant respectfully submits that although Rader discloses that a galley-cart storage system may be used on a train, the structure of Rader is entirely distinct from Applicant's presently claimed invention. The Examiner has further acknowledged that Rader is silent on Applicant's modular galley. Accordingly, for the reasons set forth above, Applicant's re-allege that Londeree fails to disclose or suggest a module for a modular galley

provided with runners for hooking into an undercut slot as presently recited in independent claim 32.

With respect to claim 33, the Examiner applies official notice that it would have been obvious to one skilled in the art to use a data bus to computerize or automate a modular galley. Applicant respectfully submits that dependent claim 33 depends indirectly from independent claim 17 and is patentable for the reasons set forth above.

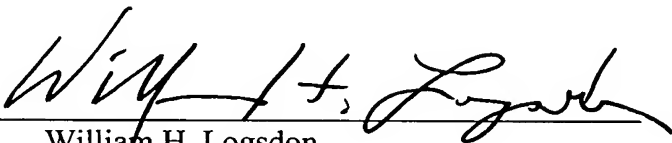
Reconsideration and withdrawal of the rejection of claims 32-33 under 35 U.S.C. §103(a) is respectfully requested.

### **Conclusion**

Applicant submits that, as amended, claims 17-34 are patentable over the cited art of record. An early Notice of Allowance is respectfully requested.

Respectfully submitted,

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